

State of Texas
Texas Racing Commission

Official Ruling # RETA2505

of the

Board of Stewards

RETAMA PARK

ASST STARTER	FINCH, MICHAEL	License #	32351
Ruling Date:	08/28/2015	Violation Date:	11/15/2012
Redistribute Purse:	No		

Rules Violated:

311.6	GROUND FOR DENIAL, SUSPENSION, AND REVOCATIONS
7.04	GROUND FOR DENIAL, REVOCATION, AND SUSPENSION OF OCC. LICENSE

Assistant Starter Michael Shawn Finch was duly noticed and appeared for a formal hearing before the Retama Park Board of Stewards on 8/28/15. Mr. Finch was noticed because he suffered a felony conviction for driving while intoxicated on 11/15/12.

The evidence presented by Mr. Finch during the hearing included testimony from numerous witnesses including his current supervisor Starter- Larry Smith, Track Chaplain- Michael Bingaman, Texas Horsemen's Partnership Representative- Tooter Jordan, Racing Secretary-James Leatherman, and others including racing officials, association employees, trainers, and a veterinarian. All witnesses testified in support of Mr. Finch. Furthermore, TxRC Investigator Johnny Whitley indicated that Mr. Finch's presence on association grounds does not constitute a threat to the health, safety or welfare of other participants, either human or equine.

The Honorable Dib Waldrup, Presiding Judge of the 433rd Judicial District Court of Comal County, testified Mr. Finch has participated in the Comal County Challenge program which includes community service, other sobriety support and rehabilitation. He also praised Mr. Finch for his outstanding participation in the program.

After considering all of the evidence presented during the hearing, the Board of Stewards find that Mr. Finch is fit to perform the duties and responsibilities associated with his licenses pursuant to Section 53.023 (a) of the Texas Occupations Code.

All Texas Racing Commission licenses held by Mr. Finch are hereby placed in probationary status through 11/14/17. The licenses are contingent on the following: Mr. Finch submitting to any and all testing that may be requested by a Board of Stewards, and Mr. Finch suffering no further criminal convictions. If the Commission, or stewards determine that Mr. Finch has failed to comply with the terms and conditions of the probation, the probation may be revoked on three days' notice to the licensee.

By Order of the Board of Stewards

CONNIE ESTES
JOHN FERRARA JR
BOBBY STOVALL

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Supplement # 1

09/12/2015

In summary, 433rd Judicial District Court, Comal County, Judge Dib Waldrip submitted an evidentiary letter having been labeled Exhibit 2 in the hearing stated:

Beginning October 2012, Michael Shawn Finch voluntarily participated in and now has successfully completed Comal County's "Challenge Court" a court program designed to challenge him to achieve goal-oriented successes in a sober and substance-abuse-free lifestyle.

The methodology for the Challenge Court embodies a teamwork approach to build character traits such as initiative, responsibility and the necessary accountability to back up the "talk". Shawn has proven both his desire and ability to maintain such positively-focused lifestyle through setting his own short-, mid- and long-term goal, working toward the achievement of those goals, and displaying a transparency and vulnerability allowing the Court and its team to hold his feet to the fire. Judge Waldrip continued in his letter: "Even more important, Shawn is holding himself accountable with amazing success. The Challenge Court Team has absolutely No negative comments toward Shawn's progress and continued sobriety. Maintaining gainful and meaningful employment in the racing industry will definitely spur Shawn's success to an even higher level, and I commend him for his efforts in this regard." During his testimony Judge Waldrip stated he whole-heartedly recommend that the Texas Racing Commission waive or probate any potential suspension of his racing license and he believes Mr. Finch will be successful and is not at risk for future sobriety problems.

Mr. Finch testified as part of his challenge program, to operate a motor vehicle, he is required to have an Ignition Interlock Device (IID) installed in his vehicle and is required to test his sobriety prior to being able to start his vehicle. IIDs are monitored in-car breathalyzer systems that include a camera to thwart attempts at sabotage.